

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

Case No.: 12-CIV-4460 (HB)

BRANDI JOHNSON,

Plaintiff,

Case No.:  
-against-

**DECLARATION OF  
DIANE KREBS**

STRIVE EAST HARLEM EMPLOYMENT  
GROUP, LISA STEIN, Individually, ROB  
CARMONA, Individually and PHIL WEINBERG,  
Individually,

Defendants.

----- X

Diane Krebs hereby declares the following under the penalty of perjury:

1. I am a partner with Gordon & Rees LLP, attorneys for Defendants STRIVE East Harlem Employment Group (“STRIVE”) and Rob Carmona (“Carmona”) (collectively “Defendants”). I submit this Declaration in Support of Defendants’ Post-Trial Motions. This Declaration is made based on my personal knowledge as well as a review of the file in this matter.

2. Attached as Exhibit “A” is a copy of the trial transcript in this matter for the dates August 26, 2013, August 27, 2013, August 28, 2013, and August 29, 2013.

3. Attached as Exhibit “B” is a copy of the Notification of Award from the U.S. Department of Labor (“DOL”) to STRIVE, dated February 19, 2010, which was admitted into evidence during the trial as Trial Exhibit A.

4. Attached as Exhibit “C” is a copy of STRIVE’s employment offer letter to Plaintiff Brandi Johnson (“Plaintiff”), dated April 23, 2010, which was admitted into evidence during the trial as Trial Exhibit 19.

5. Attached as Exhibit “D” is a copy of an email from Carmona to STRIVE’s affiliates, dated May 4, 2010, which was admitted into evidence during the trial as Trial Exhibit F.

6. Attached as Exhibit E is a copy of an email from Plaintiff to Carmona, dated February 24, 2012, which was admitted into evidence during the trial as Trial Exhibit N.

7. Attached as Exhibit F is a copy of the audio recording of the March 14, 2012 conversation between Plaintiff and Carmona, which was admitted into evidence during the trial as Trial Exhibit 106.

8. Attached as Exhibit G is a copy of the transcript of the March 14, 2012 audio recording, which was marked for identification as Trial Exhibit 107 but was only provided to the jury as an aid and not admitted into evidence.

9. Attached as Exhibit H is a copy of the Notice of Grant Modification from the DOL to STRIVE, dated January 24, 2012, which was admitted into evidence during the trial as Trial Exhibit 40.

10. Attached as Exhibit I is a copy of the investigation notes of Phil Weinberg (“Weinberg”) regarding Plaintiff’s complaint filed with STRIVE, which Defendants attempted to introduce at trial but were denied the opportunity to do so.

11. Attached as Exhibit J is a copy of a text message from Plaintiff to Cammie Crawford, which Plaintiff had pre-marked as part of proposed Trial Exhibit 45 and which Defendants attempted to introduce at trial as impeachment but were denied the opportunity to do so.

12. Attached as Exhibit K is a copy of the termination letter from Weinberg to Plaintiff, dated June 11, 2012, which was admitted into evidence during the trial as Trial Exhibit S.

13. Attached as Exhibit L is a copy of the audio recording of the June 11, 2012 termination meeting Weinberg and Plaintiff, which was admitted into evidence during the trial as Trial Exhibit 49.

14. Attached as Exhibit M is a copy of the transcript of the June 11, 2012 audio recording, which was marked for identification as Trial Exhibit 50 but was only provided to the jury as an aid and not admitted into evidence.

15. Attached as Exhibit N is a copy of Defendants' opening and reply motion *in limine* papers to preclude Plaintiff's doctors and any testimony from Plaintiff regarding medical treatment, dated August 15, 2013.

16. Attached as Exhibit O is a copy of Defendants' motion papers to disqualify Plaintiff's counsel, dated August 25, 2013.

17. Attached as Exhibit P is a copy of Defendants' First Set of Document Requests to Plaintiff Brandi Johnson, dated September 19, 2011.

18. Attached as Exhibit Q is a copy of Plaintiff's brief and supporting affirmation in opposition to Defendants' motion *in limine* to preclude audio recordings, dated August 21, 2013.

19. Attached as Exhibit R is a copy of a job description for the Affiliate Services Coordinator position, which was admitted into evidence during the trial as Trial Exhibit XX.

20. Attached as Exhibit S is a copy of document produced by Plaintiff during discovery, Bates-stamped "Johnson 3," appearing to be a photograph of a job description Plaintiff purportedly received at some point during her employment with STRIVE. The actual document that was apparently photographed was never produced by Plaintiff during discovery.

Dated: New York, New York  
October 15, 2013

By: /s/ Diane Krebs  
Diane Krebs, Esq. (DK 8280)